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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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PHILIP GRANT,

Plaintiff,

-against-

AURORA LOAN SERVICES, ROSICKI,
ROSICK & ASSOCIATES, and LEHMAN
BROTHERS BANK,

Defendants.

ORDER

08-CV-100 (NGG) (LB)

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NICHOLAS G. GARAUFIS, United States District Judge.

On September 5, 2008, Magistrate Judge Lois Bloom issued a Report and Recommendation in which she recommended that the court dismiss Plaintiff Philip Grant's ("Grant") Complaint against Lehman Brothers Bank ("Lehman") because of Grant's failure to comply with Fed. R. Civ. P. 4(m).

On July 3, 2008, Judge Lois Bloom extended Grant's time to serve Lehman, and warned him that if he "does not provide a proper service address for Lehman by August 4, 2008, plaintiff's complaint against Lehman will be dismissed without prejudice." Because Grant has failed to provide this address, Judge Bloom now recommends that the Complaint be dismissed against Lehman.

In Grant's objections, received September 15, 2008, Grant does not state any good cause for his delay in serving Lehman. The only reason that he provides is that if the "case is dismissed against Lehman Brothers, it will create chaos because they are a necessary and indispensable co-

conspirator and any new action against them would just have to be consolidated with this action.”

The court doubts that chaos will result from a dismissal of Grant’s case against Lehman; in any case, this is the result that is required by Fed. R. Civ. P. 4(m) in the absence of a showing of good cause or some other reason for extending the time to serve. An unsupported allegation that chaos will result is insufficient to satisfy Grant’s burden under this rule. The Complaint is therefore dismissed against Lehman without prejudice to refiling.

SO ORDERED.

Dated: September 18, 2008
Brooklyn, N.Y.

s/Nicholas G. Garaufis

NICHOLAS G. GARAUFIS
United States District Judge